

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MERCY HEALTH PARTNERS
Employer

and

MICHIGAN NURSES ASSOCIATION
Petitioner

Case 07-RC-232247

and

SEIU HEALTHCARE MICHIGAN
Intervenor

ORDER

The Employer's and the Petitioner's Requests for Review of the Acting Regional Director's determination to hold the petition in abeyance are denied as they raise no substantial issues warranting review.¹

¹ The petition in this case was filed on December 7, 2018 seeking an election in a combined unit of nurses that had historically been represented by the Petitioner and the Intervenor in separate units. On February 5, 2019, the Regional Director issued a Decision and Direction of Election that, inter alia, rejected the Intervenor's contention that the petition should be dismissed. Three days later, the Intervenor filed an unfair labor practice charge in Case 07-CA-233599 and, on February 12, 2019, the Regional Director summarily granted the Intervenor's request to block the petition on the basis of that charge. The petition has remained blocked since that date, first by a settlement agreement resolving the allegations in Case 07-CA-233599, without a finding or admission that the Employer had violated the Act, which was closed on compliance in August 2019, and thereafter by the unfair labor practice charge in Case 07-CA-244083, alleging that the Employer has violated the Act by maintaining overly broad policies and by making unilateral changes in terms and conditions of employment. That charge was filed on June 26, 2019, the Intervenor submitted a request to block the petition on the basis of that charge on July 17, 2019, and the Acting Regional Director informed the parties that the petition would be held in abeyance pending investigation of that charge nearly four months later, on November 15, 2019. On January 28, 2020, the Regional Director dismissed the charge allegation that the Employer violated the Act by making unilateral changes in terms and conditions of employment. Although we are troubled by the extreme delay in processing the petition, the circumstances currently before us fall short of establishing that the Acting Regional Director abused her discretion under current law. We stress, however, that the election has already been delayed for 14 months, and

JOHN F. RING,	CHAIRMAN
MARVIN E. KAPLAN,	MEMBER
WILLIAM J. EMANUEL,	MEMBER

Dated, Washington, D.C., February 21, 2020.

that we expect the Regional Director to expeditiously address the remaining blocking charges and ensure that the election is not unnecessarily delayed.

We observe that the Board recently issued a Notice of Proposed Rulemaking that addresses, among other things, possible changes to the Board's blocking charge policy. See *Representation-Case Procedures: Elections Bars; Proof of Majority Support in Construction Industry Collective-Bargaining Relationships*, 84 Fed. Reg. 39930-01 (proposed Aug. 12, 2019). For institutional reasons, we nevertheless apply extant law here in denying the Employer's and the Petitioner's Requests for Review.